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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,207	03/19/2004	Akinori Jitsui	11-237	6506

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EXAMINER

CHIN, GARY

ART UNIT PAPER NUMBER

3661

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,207

Applicant(s)

JITSUI ET AL.

Examiner

Gary Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/04 & 6/7/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: On line 4 of claim 1, "a vehicle" should be "the vehicle" in order to avoid the antecedent basis problem. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in the instant application in view of Lichtinger et al (patent no. 6502048) submitted by applicants.

As per claim 1, the admitted prior art on pages 1-2 and figures 6a-6b of the instant specification teaches the claimed seat occupant identifying apparatus for a vehicle including a load sensor responsive to a physical load acting on a seat of a vehicle and a seat occupant identifying means to identify the passenger on the seat based upon the comparison of the output of the load sensor with a passenger identifying threshold value. However, the admitted prior art has failed to disclose the aging-caused drift estimating circuit to estimate an aging-caused drift of an actual output of the load sensor when the seat is unoccupied and subsequently correcting the passenger identifying threshold value based upon the estimated aging-caused drift. The Lichtinger et al reference, however, in figure 1 and columns 2-4 teaches the use of a calibration

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value for the load sensor (or the estimated aging-caused drift of the load sensor as claimed) when the seat is unoccupied to compensate for the drift or offset of the load sensor over time. Hence, it would have been obvious for one having ordinary skill in the art to incorporate the calibration value of the load sensor as taught in Lichtinger et al into the admitted prior art system so that a more accurate seat occupant identifying system can be obtained.

As per claim 2, the additionally claimed feature of using the average of the sampled load sensor outputs when the seat is unoccupied to derive the calibration value or the drift value of the load sensor is taught in column 1, lines 49-59 of the Lichtinger et al reference.

As per claim 3, the claimed microcomputer for performing the sampling function is shown in item 30, figure 1 of the Lichtinger et al reference.

As per claim 4, the claimed range between an upper and a lower limit of the calibration value or aging -caused drift is taught in figure 4 (see item 78) of the Lichtinger et al reference.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in the instant application in view of Lichtinger et al as applied to claims 1-4 above, and further in view of Hattori et al (6871159) also submitted by applicants.

As per claim 5, it is noted that the Lichtinger et al reference has not been specifically disclosed as to how the seat unoccupancy is being determined. However, such seat unoccupancy determining feature is notoriously well known in the art at the time the invention was made and clearly taught in column 7 of the Hattori et al reference. It would have been readily apparent for one skilled in the art to incorporate such well known feature as taught in Hattori et al into the Lichtinger et al system so that the unoccupancy of the seat can be precisely determined.

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5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior in the instant specification in view of Lichtinger et al as applied to claims 1-4 above, and further in view of Fortune et al (patent no. 6012007).

As per claims 6-8, the additionally claimed feature of employing a digital low pass filter to implement the averaging function is well known in the art and clearly taught in column 4, lines 21-26 of the Fortune et al reference. It would have been obvious for one skilled in the art to program the controller 30 in the Lichtinger et al system based upon the teaching in Fortune et al to implement such well known digital low pass filter so that the averaging function can be facilitated.

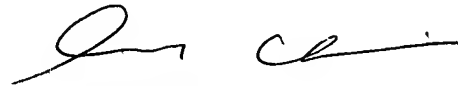
6. The additional references are cited to show the related systems. Applicant(s) should consider them carefully when responding to the current office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GARY CHIN
PRIMARY EXAMINER